

From: [Gary Moore](#)
To: [Gloria-Small Moran](#)
Subject: Re: Falcon Refinery Superfund Site - Followup to Conference Call of Thursday, May 3, 2012
Date: 05/08/2012 08:10 PM

Gloria

I talked with Mr Carroll this evening before I saw your email to him. He indicated that he was concerned about paying in additional monies while the agreement allows NORCO to potentially get money back from either the RIFS or the removal action.

I suggested the possibility for them to get a performance bond for the removal and us getting NORCO to allow the Removal Letter of credit to go to the Remedial effort now. This may alleviate NORCO from getting any money back from the Removal, and make sure that we have monetary assurance for the Removal completion.

Let's talk.

Gary

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▼ [Gloria-Small Moran](#)

----- Original Message -----

From: Gloria-Small Moran
Sent: 05/08/2012 04:11 PM CDT
To: "Jonathan Carroll" <jcarroll@lazarusenergy.com>
Cc: Gary Moore; Rafael Casanova; Richard Bergner <rbergner@rfrblaw.net>; Robert Werner
Subject: Falcon Refinery Superfund Site - Followup to Conference Call of Thursday, May 3, 2012
Jonathan:

The Region thanks you again for the opportunity to discuss the Falcon Refinery Superfund enforcement case with you. The Site team briefed the Acting Division Director and the following decisions were made:

First, as we indicated during our call, the EPA is proceeding with the Remedial Investigation and Feasibility Study (RI/FS). One proposal from the briefing is that there may be an opportunity for the owner of the Site, which you indicate is Lazarus Texas Refinery I, LLC, to perform the Feasibility Study phase of the RI/FS. The Site team did not recommend the participation of LTR I, LLC in the RI/FS phase because as we indicated to you during the conference call, a good-faith sign of LTR I, LLC would be the payment of the outstanding amount in the March 9, 2012 letter to Richard Bergner relating the Final Request for Replenishment of Special Account #2. In addition, LTR I, LLC as a preliminary matter would have to demonstrate the ability to perform the Feasibility Study phase.

Second, as we indicated during our call, please expect within the next weeks a letter



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seeking information about the ownership of the Site, including the corporate structures of the related corporate entities in connection with the Site.

If you have any questions, please do not hesitate to contact Gary Moore at 214-789-1627, Rafael Casanova at 817-832-8209 or Bob Werner at 214-665-6724. Each Site team member can be reached via email as well. If you want to speak to me, my contact information is below.

Thank you again.

Gloria Moran
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